UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,742	11/05/2001	Bernard Iulo	POU920010025US1	5945

7590 10/20/2004	EXAMINER
Philmore H. Colburn II	LU, KUEN S
Cantor Colburn LLP	

ART UNIT	PAPER NUMBER
2167	

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DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/008,742	IULO ET AL.
	Examiner	Art Unit	
	Kuen S Lu	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 June 2004*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *30-50* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *30-50* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 1-04)   **Office Action Summary**   Part of Paper No./Mail Date 101404-008742

Supplemental – Non-Final

DETAILED ACTION

Response to Amendments

1. In responding to Applicants' amendments made to the claims, filed on June 17,

2004, the cancellation of claims 1 through 29 is noted by the Examiner. As for the

newly created claims 30 to 50, the Examiner has created this Office Action for

Supplemental non-Final Rejection as shown next.

2. As for the amended Abstract of the Disclosure, filed on June 17, 2004, has been

considered by the Examiner.

3. As for the Applicants' REMARKS, filed on June 17, 2004, has been fully considered

by the Examiner, please see discussion in the section **Response to Arguments**,

following the Office Action for Supplemental non-Final Rejection.

Claim Objections

4. Claim 40 is objected to because of the following informalities:

The phrase "The system of 39" in the claim language is improper. The examiner

interprets it as "The system of claim 39". Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 30-42 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGuire et al. (U.S. Patent 6,493,871, hereafter "McGuire") in view of OraRel (Oracle8i Release Notes, Release 3 for Windows NT, 11/16/2000, hereafter "OraRel") and further in view of Klemm et al. (U.S. Patent 6,457,142, hereafter "Klemm").

As per claims 30 and 45, McGuire teaches the following:

"a workstation" (See col. 4, lines 50-52 and Fig. 1 wherein McGuire's computer system **is equivalent to Applicant's** a workstation);

"a communications link to a vendor system, the vendor system supplying at least one of a component and service to the user system" (See Figs.2 and 7 and col. 11, lines 57-65 wherein McGuire's update server provides software update download service via network **is equivalent to Applicant's** a communications link to a vendor system, the vendor system supplying at least one of a component and service to the user system); and

wherein upon installing a new component or acquiring a now service for the workstation, performs:

"querying the user system for an inventory of existing installed components" (See col. 7, lines 36-38 wherein McGuire's the setup program scans the existing files **is equivalent to Applicant's** querying the user system for an inventory of existing installed components);

"connecting to the vendor system web site using the communications link and vendor connection in formal ion extracted from the database" (See col. 7, lines 43-49 wherein McGuire's the needed list is sent to the download server for requesting files downloading **is equivalent to Applicant's** connecting to the vendor system web site using the communications link and vendor connection in formal ion extracted from the database);

"retrieving product information relating to the new component from the vendor system web site" (See col. 7, lines 49-56 wherein McGuire's download server receives request and returns update files to the computer system **is equivalent to Applicant's** retrieving product information relating to the new component from the vendor system web site); and

"building" ... "information acquired in response to the querying" (See col. 7, lines 38-43 wherein McGuire's a needed list is compiled, based on information of existing files **is equivalent to Applicant's** building a database of information acquired in response to the querying).

McGuire does not specifically teach building a database for the information acquired in response to the querying.

However, OraRel teaches creating a database (See Page 22 wherein OraRel's using configuration assistant to create a database **is equivalent to Applicant's** building a database of information acquired in response to the querying).

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine OraRel's teaching into McGuire's reference

by using database to store information for querying because both references are devoted to software installation and utilizing a database for storing and querying data is a common and well known practice for an ordinary skill in the art at the time of the applicant's invention was made.

The combined OraRel-McGuire reference further teaches the following: "verifying requirements and compatibility of the new component against the existing installed components" (See OraRel: Pages 5-6 wherein OraRel's verification of operating system requirements for its compatibility to the new software being installed and Mcguire: col. 7, lines 49-52 wherein McGuire's the download server receives the request list and compares the list with available update file list **is equivalent to Applicant's** verifying requirements and compatibility of the new component against the existing installed components); and

"determining an optimum configuration for the user system based upon the verifying the configuring the user system in accordance with the optimum configuration" (See McGuire: col. 7, lines 57-67 wherein McGuire's download server chooses a file from several available update files that is deemed optimal **is equivalent to Applicant's** determining an optimum configuration for the user system based upon the verifying the configuring the user system in accordance with the optimum configuration).

The combined OraRel-McGuire reference does not specifically teach "a consolidated monitoring tool executing on the workstation" or specifically use the tool to perform the previously described operations: querying user system, building a database, verifying requirement and compatibility, and determining optimal configuration.

However, Klemm teaches "a consolidated monitoring tool executing on the

workstation" (See Fig. 2 and col. 1, lines 42-59 wherein Klemm's the JAS [Java

Application Supervisor] is implemented to monitor events during the execution of an

application program **is equivalent to Applicant's** a consolidated monitoring tool

executing on the workstation).

It would have been obvious to one having ordinary skill in the art at the time of the

applicant's invention was made to combine Klemm's teaching with OraRel and

McGuire's references by implementing JAS to supervise software update process and

its operations, including querying system user, building information to a database,

verifying requirement and compatibility, and determining optimal configuration, because

the combined reference would have been able to monitor either software update or new

installation status in real time and diagnose installation process error on-line.

As per claim 31, McGuire teaches "at least one of a component and service includes

software, a hardware device, and a system upgrade" (See Fig. 1 and col. 14, lines 56-

67 wherein McGuire's computer system depicted in Fig. 1 is the hardware, update.exe

is the software and system upgrade is the a system upgrade **is equivalent to**

Applicant's at least one of a component and service includes software, a hardware

device, and a system upgrade).

As per claim 32, the combined OraRel-McGuire reference teaches "building a

database of information includes building a database of product information relating to

the existing installed components including, product name, current release level, current

maintenance level, and a web site address for the vendor system" (See McGuire: Figs.

5 and 8, col. 10, lines 24-37 and col. 11, lines 42-59 wherein McGuire's the needed list

compares the installed files and compiled the list of not most-recent version files as

needed, and a database provides the corresponding most recent version files from

vendor's web address and OraRel: Page 22 wherein OraRel's using configuration

assistant to create a database **is equivalent to Applicant's** building a database of

information includes building a database of product information relating to the existing

installed components including, product name, current release level, current

maintenance level, and a web site address for the vendor system).

As per claim 33, OraRel further teaches "the retrieving product information relating

to the new component includes retrieving product alerts, validation of the product's

maintenance level, current message translation tables, and diagnostic information" (See

Pages 5-8 and 13 wherein OraRel's known problems/restrictions/workaround is the

product alert, supported workstation system operating system/version and product

release level is the product maintenance level, standard ORA-[number] error messages

are the string from the error message translation table for providing the diagnostic

information **is equivalent Applicant's** the retrieving product information relating to the

new component includes retrieving product alerts, validation of the product's

maintenance level, current message translation tables, and diagnostic information).

As per claim 34, OraRel further teaches "the message translation tables include at

least one of: a warning flag; error symptom strings; expanded text or display; and a

wizard" (See Pages 11 and 13 wherein OraRel's the ORA- text string provides the

warning flag, symptom string **is equivalent to Applicant's** the message translation

tables include at least one of: a warning flag; error symptom strings; expanded text or

display; and a wizard).

As per claim 35, OraRel further teaches the following:

"an existing event or situation is recoverable" (See Page 7 wherein OraRel's he

workaround is a recoverable situation for component installation **is equivalent to**

Applicant's an existing event or situation is recoverable);

"a diagnosis exists for a given error string" (See Page 13 wherein OraRel's the string

following ORA- code is the text for diagnosis **is equivalent to Applicant's** a diagnosis

exists for a given error string); and

"a wizard is available for a given event" (See Page 13 wherein OraRel's the help wizard

or modal dialog is utilized to navigate the help **is equivalent to Applicant's** a wizard is

available for a given event).

As per claim 36, OraRel further teaches "error symptom strings contain at least one

of a program name, a failure code, routine name, and offsets" (See Page 33 wherein

OraRel's LRM- and EXP- indicate the events are related to programs LRM and EXP,

respectively **is equivalent to Applicant's** error symptom strings contain at least one of

a program name, a failure code, routine name, and offsets).

As per claim 37, OraRel further teaches "the expanded text or display include

explanation of an event or condition" (See Page 33 wherein OraRel's the text strings

following codes LRM- and EXP- provide explanation of events **is equivalent to**

Applicant's the expanded text or display include explanation of an event or condition).

As per claim 38, OraRel teaches "the verifying requirements and compatibility include verifying existing system resources for the user system" (See Pages 19 and 25 wherein OraRel's reviewing the requirement and compatibility issues across the reference, for example, Sockets 2 and VLM configuration are described **is equivalent to Applicant's** the verifying requirements and compatibility include verifying existing system resources for the user system).

As per claim 39, OraRel further teaches "configuring includes tuning existing installed components of the user system, the tuning operable for adjusting a component to operate efficiently in its system environment" (See Page 31 wherein OraRel's one of the workarounds is tuning the memory tab from auto to 1024 for the initial environment **is equivalent to Applicant's** tuning existing installed components of the user system, the tuning operable for adjusting a component to operate efficiently in its system environment).

As per claim 40, OraRel further teaches "the tuning is triggered upon an occurrence of an abnormal event" (See Page 31 wherein OraRel's the dialog box triggers an event showing environment space problem and suggests its workaround **is equivalent to Applicant's** the tuning is triggered upon an occurrence of an abnormal event).

As per claim 41, Klemm further teaches the following:
"retrieving a detailed description of an error encountered by the user system" (See col. 5, lines 35-67 wherein Klemm's JAS detects exceptions of the application program being executed at the user's system **is equivalent to Applicant's** retrieving a detailed description of an error encountered by the user system); and "presenting the detailed

description to the user system" (See col. 6, lines 1-10 and col. 12, line 1 wherein

Klemm's JAS notifies remote manager about the exception event where remote

manager may reside on the same, user's, system **is equivalent to Applicant's**

presenting the detailed description to the user system).

    As per claim 42, the combined Klemm-OraRel-McGuire reference teaches the

following:

"retrieving a list of action items from the database, the action items including at least

one of a suggested configuration, tuning, and system upgrade" (See Klemm: col. 6,

lines 1-23 wherein Klemm's JAS, the consolidated monitor system, responds with

detected problem in a way such as making complex decision about action to take based

on user-supplied policy and nature of the problem, and resetting variable value and

OraRel: Page 22 wherein OraRel's using configuration assistant to create a database

is equivalent to Applicant's retrieving a list of action items from the database, the

action items including at least one of a suggested configuration, tuning, and system

upgrade); and "presenting the list to the user system" (See Klemm: col. 6, lines 55-58

and col. 12, line 1 wherein Klemm's JAS visualizes the event to the remote manager

and receives for instructions from the remote manager **is equivalent to Applicant's**

presenting the list to the user system).

    As per claim 44, Klemm further teaches the following:

"providing a detailed explanation of the severe error" (See col. 5, lines 40-60 wherein

Klemm's JAS detects exception indicating a fatal situation due to various internal errors

or due to resource limitations as listed **is equivalent to Applicant's** providing a detailed

explanation of the severe error);

"providing an explanation of a recovery plan underway to correct the server error" (See

col. 6, lines 1-10 wherein Klemm's the recovery plan includes restarting the target

application program **is equivalent to Applicant's** providing an explanation of a

recovery plan underway to correct the server error); and

"connecting to the vendor system web site for assistance" (See col. 6, lines 55-58

wherein Klemm's JAS visualizes the event to the remote manager and receives for

instructions from the remote manager **is equivalent to Applicant's** presenting the list

to the user system).

7. Claims 43 and 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable

over McGuire et al. (U.S. Patent 6,493,871, hereafter "McGuire") in view of Klemm et al.

(U.S. Patent 6,457,142, hereafter "Klemm") and further in view of OraRel (Oracle8i

Release Notes, Release 3 for Windows NT, November 16, 2000, hereafter "OraRel").

   As per claims 43, 46 and 49, McGuire teaches the following:

"a workstation" (See col. 4, lines 50-52 and Fig. 1 wherein McGuire's computer system

is equivalent to Applicant's a workstation); and

"a communications link to a vendor system, the vendor system supplying at least one of

a component and service to the user system" (See Figs.2 and 7 and col. 11, lines 57-65

wherein McGuire's update server provides software update download service via

network **is equivalent to Applicant's** a communications link to a vendor system, the

vendor system supplying at least one of a component and service to the user system).

McGuire does not specifically teach "a consolidated monitoring tool executing on the workstation" or specifically use the tool to perform certain functions upon encountering a minor error.

However, Klemm teaches "a consolidated monitoring tool executing on the workstation, the consolidated monitoring tool monitoring, activities occurring on the user system" (See Fig. 2 and col. 1, lines 42-59 wherein Klemm's the JAS [Java Application Supervisor] is implemented to monitor events during the execution of an application program **is equivalent to Applicant's** a consolidated monitoring tool executing on the workstation, the consolidated monitoring tool monitoring, activities occurring on the user system).

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine Klemm's teaching into McGuire's reference by implementing JAS to supervise software update process and perform functions when encountering some minor error, because the combined reference would have been able to monitor McGuire's software update installation status in real time and diagnose minor installation error at the same time.

Klemm further teaches performing the following functions upon encountering a minor error:

"searching" … "for the minor error" (See col. 5, lines 1-29 wherein Klemm's detecting a list of performance and reliability related events **is equivalent to Applicant's** searching a database for the minor error).

Klemm does not specifically teach searching a database for the minor error.

However, OraRel teaches creating a database for storing information (See Page 22 wherein OraRel's using configuration assistant to create a database **is equivalent to Applicant's** creating a database for searching information).

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine OraRel's teaching with Klemm and McGuire's references by using database to store information for querying because all three references are devoted to software installation, and utilizing a database for storing and querying data is a common and well known practice for an ordinary skill in the art at the time of the applicant's invention was made.

OraRel further teaches the following:

"displaying a corresponding explanation of the minor error for a user via translation tables stored in the user system" (See Page 33 wherein OraRel's VOLSIZE error is displayed in error code and a corresponding text string for explanation **is equivalent to Applicant's** displaying a corresponding explanation of the minor error for a user via translation tables stored in the user system); and

"displaying a corresponding set of action items for resolving the minor error or preventing a future occurrence of the minor error" (See Page 33 wherein OraRel's EXP error code and a corresponding solution text starting with a help command are displayed **is equivalent to Applicant's** displaying a corresponding set of action items for resolving the minor error or preventing a future occurrence of the minor error).

As per claims 47 and 50, OraRel further teaches the following:

"upon encountering a severe error relating to the at least one of a correspondent and a service of the user system, performing: providing a detailed explanation of the severe error" (See Pages 5-8 and 13 wherein OraRel's ORA- error code and an explanation of the error is provided **is equivalent to Applicant's** providing a detailed explanation of the severe error); and

"providing an explanation of a recovery plan underway to correct the severe error" (See Pages 7-13 wherein OraRel's information on known problems, restrictions and workarounds is provided to explain the installation error and methods to resolve or work around **is equivalent to Applicant's** providing an explanation of a recovery plan underway to correct the severe error).

The combined OraRel-Klemm-McGuire reference teaches "connecting to a vendor system web site for assistance, the vendor system supplying the at least one of a component *and a service* to the user system" (See McGuire: col. 7, lines 43-49 wherein McGuire's the needed list is sent to the download server at the web for downloading files and OraRel: Pages 5-8 and 13 wherein OraRel's providing installation assistance **is equivalent to Applicant's** connecting to a vendor system web site for assistance, the vendor system supplying the at least one of a component *and a service* to the user system).

As per claims 48, McGuire teaches "the component includes at least one of software, a hardware device, aid a system upgrade" (See Fig. 1 and col. 14, lines 56-67 wherein McGuire's computer system depicted in Fig. 1 is the hardware, update.exe is the software and system upgrade is the a system upgrade **is equivalent to Applicant's**

at least one of a component and service includes software, a hardware device, and a

system upgrade).

8. The prior art made of record:

   A. U.S. Patent   6,493,871

   B. U.S. Patent   6,457,142.

   U. Oracle8i Release Notes, Release 3 for Windows NT, November 16, 2000,

Oracle®

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

   C. U.S. Patent   6,085,244

   D. U.S. Patent   6,289,511

   E. U.S. Patent   6,401,217

   F. U.S. Patent   6,529,784

Response to Arguments

9. Applicant's arguments with respect to claims 1-29 and 30-50 have been considered

but are moot in view of the new ground(s) of rejection.

Conclusions

10. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kuen S Lu whose telephone number is 571-272-4114.

The examiner can normally be reached on 8 AM to 5 PM, Monday through Friday.

If at tempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Breene can be reached on 571-272-4107. The fax phone number for

the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-3900.

Kuen S. Lu   Luke Wassum

Patent Examiner   Primary Examiner

October 18, 2004   October 18, 2004